

Pro Se 1 (Rev. 12/16) Complaint for a Civil Case

FILED

AUG 30 2019

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY [Signature] DEPUTY

UNITED STATES DISTRICT COURT

for the
District of
DivisionCase No. **SA19CA1051 OLG**
(to be filled in by the Clerk's Office)QUENTIN O. BROWN

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

NEW ERA CAP COMPANY

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

Jury Trial: (check one) ☒ Yes ☐ No

COMPLAINT FOR A CIVIL CASE

I. The Parties to This Complaint

A. The Plaintiff(s)

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name

QUENTIN O. BROWN

Street Address

112 MEADOW WAY

City and County

CONVERSE

State and Zip Code

TEXAS, 78109

Telephone Number

726-444-7040

E-mail Address

QUONEALBB@GMAIL.COM, qb5CUSTOMHATS@GMAIL

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known). Attach additional pages if needed.

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Defendant No. 1

Name NEW ERA CAP COMPANY, INC
 Job or Title (if known) CORPORATE HEADQUARTERS LEGAL DEPT.
 Street Address 160 DELAWARE AVE
 City and County BUFFALO
 State and Zip Code NEW YORK, 14202
 Telephone Number 1(716) 604-9000
 E-mail Address (if known) _____

Defendant No. 2

Name CHIP ESQUERRA
 Job or Title (if known) ASST. SALES DISTRIBUTION MANAGER
 Street Address 4th Floor, 170 F. Blumentritt cor. General San Luis St.
 City and County Barangay Tibagan, SAN JUAN City
 State and Zip Code MetRO Manila
 Telephone Number 470-7155 Loc 421 / 0917-880-4792
 E-mail Address (if known) Chipesguerra@authenticcaps.com.ph

Defendant No. 3

Name _____
 Job or Title (if known) _____
 Street Address _____
 City and County _____
 State and Zip Code _____
 Telephone Number _____
 E-mail Address (if known) _____

Defendant No. 4

Name _____
 Job or Title (if known) _____
 Street Address _____
 City and County _____
 State and Zip Code _____
 Telephone Number _____
 E-mail Address (if known) _____

II. Basis for Jurisdiction

Federal courts are courts of limited jurisdiction (limited power). Generally, only two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. § 1331, a case arising under the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one State sues a citizen of another State or nation and the amount at stake is more than \$75,000 is a diversity of citizenship case. In a diversity of citizenship case, no defendant may be a citizen of the same State as any plaintiff.

What is the basis for federal court jurisdiction? *(check all that apply)*

☐ Federal question

☐ Diversity of citizenship

Fill out the paragraphs in this section that apply to this case.

A. If the Basis for Jurisdiction Is a Federal Question

List the specific federal statutes, federal treaties, and/or provisions of the United States Constitution that are at issue in this case.

15 U.S.C.A. § 6604 Punitive Damages Limitations.

B. If the Basis for Jurisdiction Is Diversity of Citizenship**1. The Plaintiff(s)****a. If the plaintiff is an individual**

The plaintiff, (name) QUENTIN D. BROWN, is a citizen of the
State of (name) TEXAS.

b. If the plaintiff is a corporation

The plaintiff, (name) _____, is incorporated
under the laws of the State of (name) _____,
and has its principal place of business in the State of (name) _____.

(If more than one plaintiff is named in the complaint, attach an additional page providing the same information for each additional plaintiff.)

2. The Defendant(s)**a. If the defendant is an individual**

The defendant, (name) CHIP Esquerro, is a citizen of
the State of (name) _____ . Or is a citizen of
(foreign nation) SAN JUAN City, Metro Manila

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b. If the defendant is a corporation

The defendant, (name) NEW ERA CAP COMPANY, is incorporated under the laws of the State of (name) NEW YORK, and has its principal place of business in the State of (name) NEW YORK.
 Or is incorporated under the laws of (foreign nation) _____,
 and has its principal place of business in (name) _____.

(If more than one defendant is named in the complaint, attach an additional page providing the same information for each additional defendant.)

3. The Amount in Controversy

The amount in controversy—the amount the plaintiff claims the defendant owes or the amount at stake—is more than \$75,000, not counting interest and costs of court, because (explain):

\$100,000,000. NEW ERA CAP COMPANY, SOLD OVER 22 million of These MEMORIAL DAY GENERAL CAPS at a cost of \$31.00 dollars per cap. An Amount of \$ 682,000,000 DOLLARS.

III. Statement of Claim

Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the facts showing that each plaintiff is entitled to the damages or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

IV. Relief

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages.

Back in February 2018, I posted images of a Navy and Texas baseball cap showcasing the hat design I have been working on to see if there were potential customers that would be interested in purchasing my product. After receiving several compliments from my social media followers on my design, I thought it would be beneficial for me to follow up with another social media post. On April 29, 2018, I decided to purchase a New Era basketball cap from a local Lids store in an attempt to enhance the design. I did so by placing 4 star General stars and using military medals...and decided to call it a "General Cap".

Shortly after, New Era and Mitchell & Ness both reached out to me on April 29, 2018, inquiring about what I would like to achieve with the design of the basketball cap I posted on my social media account. They both showed common interest and we began a brief email exchange to see if there was a chance or likelihood of a future collaboration cap. As time passed, and my email exchanges with Chip Esquerra of New Era came to an end, I thought I missed an opportunity to work with a major company.

In May of 2018, during Memorial Day weekend, New Era released a line of baseball caps using the exact designs that I got the attention of Chip Esquerra at New Era, and what discussed in our email exchanges.

Relief
4A Page

Based on my research on the sales of the New Era cap using my design that was launched and released in May of 2018, I am seeking \$100 million dollars in punitive damages. Having spent time working on the design, marketing the final product on my social media in hopes of attracting the interest of a major company like New Era, and finally being coerced into sharing my ideas w/New Era only to be cropped out of the picture once their Memorial Day line of caps was produced for a more than successful release, I have been troubled by the way I was treated during this process. As a result, I have been forced to seek psychological help twice a month stemming from the stresses of knowing a major company without my approval has used my idea and design. To spend years musing and finally finding a passion to design caps, to feel like my vision was stolen for corporate greed is something that is hard to recover from. Following the release of the "Memorial Day General Cap", I was constantly asked if I finally collaborated with New Era because many people were familiar with my designs, knew this particular line of caps was successful, and assumed I was the reason behind their success of the cap. But I wasn't, at least not contractually.

V. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

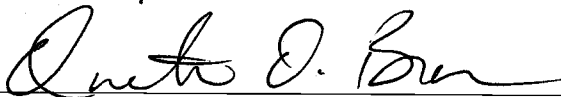
A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: 08 -30- 2019

Signature of Plaintiff

Printed Name of Plaintiff



QUENTIN O. BROWN

B. For Attorneys

Date of signing: _____

Signature of Attorney

Printed Name of Attorney

Bar Number

Name of Law Firm

Street Address

State and Zip Code

Telephone Number

E-mail Address